

Mr. SCOTT of Virginia: Mr. Speaker, I rise in support of H.R. 258, the Stolen Valor Act of 2013. H.R. 258 is an important bill because it upholds the integrity of military medals and decorations as well as corrects a constitutional flaw in a statute intended to protect the integrity of these honors.

Without question, all of those who serve our Nation deserve to be honored, and those who have gone beyond their peers in serving our Nation deserve special recognition. It is especially appropriate that we consider this bill just before Memorial Day, a special day when we remember and honor the sacrifice of those who died serving our country in the military.

One way in which our Nation recognizes the outstanding bravery and sacrifice of service members is to award these dedicated men and women special medals and decorations.

Recipients of these distinctions often have received serious injuries or made supreme sacrifices defending our Nation. To ensure that these honors bestowed on these recipients are not diminished, Congress must do all within its power to prevent anyone from falsely claiming that they have received these medals or decorations.

While that was the goal of the original Stolen Valor Act enacted in 2006, the Supreme Court, in 2012, found that the breadth and scope of that legislation ran afoul of the First Amendment's free speech protections. In that case, Justice Kennedy wrote that while "few may find the respondent's statements anything but contemptible, his right to make those statements is protected by the Constitution's guarantee of freedom of speech and expression."

But Justice Kennedy, in writing that opinion, also set out certain parameters he suggested that would pass constitutional muster should Congress seek to rewrite the legislation. He advised:

Where false claims are made to effect a fraud or secure moneys or other valuable considerations, say offers of employment, it is well-established that the government may restrict speech without affronting the First Amendment.

The text of H.R. 258 was crafted to carefully comply with that guidance. As drafted, the bill prohibits individuals from fraudulently representing themselves as recipients of a narrow group of special military honors in order to obtain money, property, or other tangible benefits. H.R. 258 ensures that anyone who falsely represents that they have been awarded these honors in order to benefit in some material way will be subject to criminal sanction.

I support the bill because it protects the honor of our military medals and decorations, while also respecting the First Amendment. I urge my colleagues to support the bill.